

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034**

**Immediately Following Board Reception
(Estimated Beginning Time 6:30 p.m.)**

June 4, 2002

MINUTES

1. Call to Order.

Mayor Simpson called the meeting to order at 6:40 p.m. and announced that there was a quorum present. The following council members were present: Mayor Mike Simpson, Mayor Pro Tem Tracie Reveal, Deputy Mayor Pro Tem Maher Maso, Council member Steve Nichols, Council member Bob Allen, Council member Joy West, and Council member Matt Lafata.

Staff present: City Manager George Purefoy, Assistant City Manager Scott Young, City Secretary Nan Parker, Director of Planning John Lettellier, City Engineer Frank Jaromin, and City Attorney Richard Abernathy.

2. Invocation.

The invocation was delivered by Brad Aldrich of Water's Edge Church.

3. Pledge of Allegiance.

The children of Deputy Mayor Pro Tem Maso and Council member Nichols led the pledge of allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

Glen Sanders requested the Council's permission to place signs out advertising his football camp.

Richard Caplan was present to address the Council regarding a public information request and the Superdome™.

Ernie Eggleston addressed the Council regarding the admirable job that Mr. Purefoy has done and continues to do for the City as City Manager,

No action was taken.

5. Reports.

A. Planning Department

Director of Planning John Lettellier gave an update on NCTCOG's population estimate for the City of Frisco. In addition he discussed the status of the enforcement of the tributary ordinance, the decrease in multi-family zoning, and the noise modeling training that his staff had attended.

B. Parks and Recreation Monthly Up-Date Report

Director of Parks and Recreation Rick Wieland reported on the contribution from DR Horton of \$50,000 for parks.

Senior Landscape Architect Dudley Raymond reported on the Heritage Association, the status of the Depot, and the Preston Road Overlay.

C. Development Services Update

City Engineer Frank Jaromin updated Council on the bids for Coit Road and Spur 33.

Discussion only, no formal action was taken.

6. Consent Agenda:

The consent agenda was considered for approval. Council member Lafata moved to pull item 6A. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Maso moved to approve the consent agenda excluding item #A, which was heard separately. Deputy Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

A. Approval of minutes of the May 21, 2002 Regular City Council. (City Secretary)

Council member Lafata moved to approve the May 21, 2002 minutes subject to removal of the language "Central Park" on page 9, 19A. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

- B. Approval of Payment Number 4 for Project CV01-0029 for the Cottonwood Branch Sewer Main in the amount of \$10,618.62 to John Burns Construction. (Engineering)
- C. Approval of **Resolution No. 02-06-91R** authorizing the City Manager to execute an Agreement for Professional Services by and between RLK Engineering and the City of Frisco to perform Engineering Services for Ohio Drive from Lebanon Road to Wade Blvd. (Engineering)
- D. Approval of Payment Number CV-0389 for Frisco Square, Phase I in the amount of \$16,747.50 to Soiltech Engineering & Testing, Inc. (Engineering)
- E. Approval of Payment Number 8 for Project CV-0407 for Wade Blvd. Section 2 in the amount of \$10,283.75 to Glenn Thurman, Inc. (Engineering)
- F. Adoption of **Resolution No. 02-06-92R** authorizing the City Manager to execute an Agreement for Professional Services by and between the City of Frisco and Newman, Jackson, Bieberstein Landscape Architecture for Trails Neighborhood Park. (Parks & Recreation)
- G. Awarding bid number 0203-011 for the Youth Center Park Athletic Field Lighting for the Baseball Field to NEMA 3 Electric in the amount of \$91,301.00. (Parks & Recreation)
- H. Approval of Payment Number 1 for Project CV01-0016 for a Signal Light at Gaylord Pkwy. and Mall Road F in the amount of \$85,777.40 to Durable Specialties, Inc. (Engineering)
- I. Award of bid number 0204-016 for one 2002 Model Diesel Trencher to Witch Equipment in the amount of \$32,325.93. (Parks and Recreation)
- J. Approval of Changer Order Number 1 to John Burns Construction to change the alignment of Cottonwood sewer line in the amount of \$11,583.00.
- K. Approval of Payment Number 7 for Fire Station Number 4 to Owen Commercial Construction, Inc. in the amount of \$84,382.41. (Fire Department)

- L. Adoption of **Resolution No. 02-06-93R** authorizing the City Manager to execute an Agreement for Professional Services by and between the City of Frisco and QTE Group, Inc. for soil testing. (City Manager/SY)

END OF CONSENT AGENDA

7. Legislative Agenda:

The legislative agenda was considered for approval as presented. Deputy Mayor Pro Tem Maso moved to approve the legislative agenda as presented. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

- A. Approval of a Final Plat: The Villages at Stonebriar Park – Phase 2, 73 Patio Home lots and four open space lots on 31.0± acres on the southwest corner of Warren Parkway and Stonebriar Drive. Zoned Planned Development-30-Patio Home. Neighborhood #34. Applicant(s): Stonecreek Land L.P. (Planning Dept.)
- B. Approval of a Final Plat: Heritage Village – Phase 2, 106 Patio Home lots and 93 Single Family-4 lots on 46.9± acres on the west side of Teel Parkway 900± south of Main Street. Zoned Patio Home and Single Family-4. Neighborhood #42 Applicant(s): Dalwestern Frisco, L.P. (Planning Dept.)
- C. Approval of a Site Plan, Final Plat & Conveyance Plat: DMc Addition, Lots 1 & 2, Block A, an automobile dealership on one lot on 10.2± acres on the northwest corner of S.H. 121 and the Dallas North Tollway (Dallas Parkway). Zoned Planned Development-31. Neighborhood #34. Applicant(s): McFrisco Partners I, Ltd. (Planning Dept.)
- D. Approval of a Concept Plan, Preliminary Site Plan & Conveyance Plat: Preston 720 Shopping Center, a bank and a retail building on two lots on 5.8± acres at the northeast corner of Spur 33 and Preston Road. Zoned Commercial-1. Neighborhood #19. Applicant(s): Folsom Properties and SLI Group (Planning Dept.)
- E. Approval of a Site Plan: Legacy Center, Block A, Lot 7 (McDonalds), a restaurant on one lot on 0.9± acre on the east side of Legacy Drive, 180± feet south of Lebanon Road. Zoned Planned Development-33. Neighborhood #31. Applicant(s): McDonalds (Planning Dept.)

- F. Approval of a Concept Plan & Preliminary Site Plan: George Mixon Addition, Block A, Lot 1 (Wendy's) & Lot 17, a restaurant and a retail building on two lots on 1.9± acres at the northeast corner of Preston Road and Gaylord Parkway. Zoned Highway. Neighborhood #29. Applicant(s): Wendy's International Inc. (Planning Dept.)
- G. Approval of a Site Plan, Conveyance Plat & Final Plat: George Mixon Addition, Block A, Lot 1 (Wendy's) & Lot 17, a restaurant on two lots on 1.9± acres at the northeast corner of Preston Road and Gaylord Parkway. Zoned Highway. Neighborhood #29. Applicant(s): Wendy's International, Inc. (Planning Dept.)
- H. Approval of a Preliminary Plat: Starwood Phase 5, Village 14, 40 single-family lots and two open space lots on 20.1± acres on the northeast corner of Lebanon Road and Legacy Drive. Zoned Planned Development-106-Single-Family. Neighborhood #22. Applicant(s): Blue Star Land, L.P. (Planning Dept.)
- I. Approval of a Final Plat: Starwood Phase 5, Village 14, 40 single-family lots and two open space lots on 20.1± acres on the northeast corner of Lebanon Road and Legacy Drive. Zoned Planned Development-106-Single-Family. Neighborhood #22. Applicant(s): Blue Star Land, L.P. (Planning Dept.)
- J. Approval of a Site Plan & Final Plat/Revised Conveyance Plat: Warren/Legacy Addition, Block A, Lots 1-3, a retail building on three lots on 12.2± acres on the northeast corner of Warren Parkway and Legacy Drive. Zoned Planned Development-33-Business Center. Neighborhood #31. Applicant(s): Warren Legacy, L.P. (Planning Dept.)
- K. Approval of a Revised Preliminary Site Plan: Frisco Veterinarian Clinic, a veterinarian clinic on 1.1± acres on the east side of Preston Road, 910± feet south of Hickory Street and 600± feet north of John Wesley Road. Zoned Commercial-1. Neighborhood #19. Applicant(s): Preston Rolater Land & Cattle (Planning Dept.)
- L. Approval of a Final Plat: The Knolls of Frisco, Phase 1, 106 Single Family-4 lots on 33.1± acres on the east side of Teel Parkway, 1,200± north of FM 2934 (Eldorado Parkway). Zoned Planned Development-131-Single Family-4. Neighborhood #48. Applicant(s): Harwood Joint Venture, #2 (Planning Dept.)
- M. Approval of a Site Plan: Frisco Sports Complex, Block B, Lots 1-4, an indoor athletic stadium and a parking garage on four lots on

18.4± acres on the south side of Gaylord Parkway, 680± feet west of Parkwood Boulevard. Zoned Planned Development-25-Business Center. Requested zoning is Planned Development-Sports Complex. Neighborhood #35. Applicant(s): Southwest Sports Group (Planning Dept.)

- N. Adoption of **Ordinance No. 02-06-70** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land from Planned Development-80/Neighborhood Services (PD-80/NS) to Planned Development-80/Single Family-5 (PD-80/SF-5) Z2002-0003 Heritage Lakes (Planning Dept.)
- O. Adoption of **Ordinance No. 02-06-71** for Voluntary Annexation requested by Bert Fields, Jr. in the Case A2002-23. (City Secretary)

Regular Agenda:

- 8. **Approval of a Replat of Heritage Lakes, Phase I, Block X, Lot 12, Two Single Family-5 lots and two open space tracts on 1.0± acre on the southwest corner of Constitution Drive and East Crescent Way. Zoned Planned Development-80/Single Family-5 and Planned Development-80/Neighborhood Services. Neighborhood #36. Applicant(s): Heritage Lakes Joint Venture. Consider and act upon approval of the Replat. (Planning Dept.)**

Director of Planning John Lettellier recommended approval subject to staff comments.

Chaz Fitzgerald, applicant, was present to answer questions from the Council.

Following discussion, Mayor Pro Tem Reveal moved to approve the replat of Heritage Lakes subject to additions and/or alterations to the engineering plans as required by the Engineering Department. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

- 9. **Public Hearing: Comprehensive Plan Amendment CA2002-0001, a request to amend the Future Land Use Plan of the Comprehensive Plan by changing the land use designation of the northwest corner of Frisco Street and Eldorado Parkway from Single Family Residential to Multifamily and changing the northeast corner of Panther Creek Parkway and F.M. 423 from Multifamily to Retail. Neighborhood #47 and #51. Applicant(s): City of Frisco. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning Dept.)**

Director of Planning John Lettellier stated that there is no increase in the multi-family zoning. He stated that the Planning & Zoning Commission had denied the case based on the feeling that there would be an increase in multi-family zoning. Mr. Lettelleir informed the Council that the zoning had been approved subject to the amendment of the Comprehensive Plan.

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Dave Denison and Buddy Minett spoke in favor of the request.

Lisa Benson spoke in opposition to the request citing apprehension of increased traffic along Eldorado Parkway.

There being no one else to for or against the request. Council member Allen moved to close the public hearing. Deputy Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve the amendment of the Future Land Use Plan to change the land use designation of:

1. The northwest corner of Frisco Street and Eldorado Parkway from Single Family Residential to Multifamily without an asterisk, and
2. The northeast corner of Panther Creek Parkway and F.M. 423 from Multifamily to Retail.

Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

10. Public Hearing: Zoning Case ZA2002-0016. A request to consider amending the Comprehensive Zoning Ordinance regarding the regulation of beer and wine package sales establishments. Applicant: City of Frisco. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning Dept.)

Mayor Pro Tem Reveal moved to remove the request from the table. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Council member Allen moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

Vince Barnes spoke against the request citing the use of Hillcrest Day Care Center by Water's Edge Church.

There being no one else present to speak for or against the request, Council member Allen moved to instruct Staff to prepare an ordinance amending the Comprehensive Zoning Ordinance regarding the regulation of beer and wine for off-premises consumption, removing the requirement that the establishment may not be within 300' of a day care center, as required by State Statute. Council member Lafata seconded the motion. Motion carried. Vote: 4 – 2. Voting for: Council member Allen, Council member Lafata, Council member Maso and Council member West. Voting against: Deputy Mayor Pro-Tem Reveal and Council member Nichols

11. **Zoning Case Z2002-0004- Public Hearing: A request to rezone 9.6+ acres on the southeast corner of F.M. 423 and future Stonebrook Parkway from Agricultural to Retail. Neighborhood #38. Applicant: Boyd Addition. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning Dept.)**

Mayor Pro Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations. He reminded Council that a Traffic Impact Analysis (TIA) will be required on the preliminary site plan and/or final plat.

There being no one else present to speak for or against the request Council member Allen moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

Council member Lafata moved to approve the request and to instruct the staff to prepare an ordinance approving the zoning change. Council member Allen seconded the motion. Motion carried. Vote 5-1. Voting for: Council member Lafata, Council member Allen, Council member Nichols, Council member West and Council member Maso. Voting against: Deputy Mayor Pro-Tem Reveal.

12. **Approval of an Agreement by and among Jearld L. Hutson and wife, Joyce E. Hutson and the City of Frisco and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager/GP)**

City Manager George Purefoy stated that the sewer line on the east was deleted and the sewer line on the west side had increased.

Mayor Pro Tem Reveal moved to adopt **Resolution No. 02-06-94R** subject to the changes as presented by Mr. Purefoy. Council member Lafata seconded the motion. Motion carried. Vote: 6-0.

13. Approval of final acceptance of Central Park. (City Manager/GP)

Senior Landscape Architect Dudley Raymond reported that has been a long delay in the repair of the pump in the fountain. He stated that the repair is anticipated for sometime near the end of June.

It was the consensus of the City Council to bring this item back either in June or July when the repairs are completed.

14. Approval of an Agreement for Library Facilities and Programming Master Plan Services by and between the City of Frisco and Providence Associates, Inc. and approve a Resolution authorizing the City Manager to execute the Agreement. (Library/JG)

Council member Lafata moved to adopt **Resolution No. 02-06-95R** approving the agreement with Providence Associates, Inc. After a second by Council member Nichols, the motion was approved by a vote of 6-0.

15. Approval of the acceptability of an explanation for a City Council Member for being absent for three consecutive City Council Regular Meetings and if necessary, adopt an appropriate Resolution.

Council member Nichols cited health reasons for his recent absence from three (3) consecutive Regular Council Meetings. Council member West moved to approve and accept the explanation for absences. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

16. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

Council member Allen moved to recess into closed session at 8:35 p.m. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 6-0.

Mayor Simpson read into the record the following that will be discussed in closed session.

- A. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
- C. Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- D. Section 551.071. Consultation with the attorney for the City regarding:
 - i. legal aspects of changes to zoning and subdivision regulations;
 - ii. legal aspects of zoning control;
- E. Section 551.074. Executive session to discuss duties of City Council members and to hear complaints against one or more City Council members.
- F. Section 551.074. Discussion with City Manager regarding staff performance.

Mayor Pro Tem Reveal moved to reconvene into open session at 10:30 p.m. After a second by Council member West, the motion was approved by a vote of 6-0.

17. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

The following items were discussed for staff:

- Information to Dallas Morning News
- Information to website regarding the demographics
- TxDOT savings on Preston Road
- Glen Sanders – issue on Code Enforcement
- Staff to include notices that are sent to HOA
- Placement of Recycling binds at the municipal swimming pool
- Level of detail in closed session to be continued at work session

18. Discussion on Governance Monitoring of present City Council Meeting.

Discussion only, no formal action taken.

19. Adjourn.

There being no further business, the meeting adjourned at 10:31 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary